

**PROOF OF SERVICE**

Randall M. Fox hereby declares under penalty of perjury that: I am a Special Assistant Attorney General in the Office of the Attorney General of the State of New York, counsel for plaintiff The People of the State of New York, and that I caused a copy of (1) Notice of Motion by Plaintiffs The People of the State of New York and The City of New York to Remand for Lack of Federal Subject Jurisdiction, (2) the Declaration of Randall M. Fox, dated October 26, 2007, and (3) Plaintiffs' Memorandum of Law in Support of Their Motion to Remand for Lack of Federal Subject Matter Jurisdiction, to be served upon counsel for defendant Merck & Co., Inc. by causing the same to be hand delivered on October 26, 2007 addressed to:

Theodore V. H. Mayer  
Vilia B. Hayes  
Robb W. Patryk  
Hughes Hubbard & Reed LLP  
One Battery Park Plaza  
New York, New York 10004-1482

Dated: New York, New York  
October 26, 2007

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S/  
Randall M. Fox